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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,068	12/26/2000	Hisashige Ando	1614.1107	1994

21171 7590 01/25/2007
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EXAMINER

PAN, DANIEL H

ART UNIT	PAPER NUMBER
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2183

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/746,068	Applicant(s) ANDO, HISASHIGE	
	Examiner Daniel Pan	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 (see paragraphs 2,9 and 10) is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of: .
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-16 remain for examination, Claims 17-19 have been canceled.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1,5-8, 9, 13-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Based on most recent "101" training session and a further consideration, the rejections to claims 1 and 9 are maintained and incorporated by reference the last office action on 08/09/06. Claims 5-8, 13-16 are additionally rejected, and the reasons are given below. This is a no-final in order to give applicant a chance to respond.

4. As to the newly amended claims 1,9, although claims have been amended to recite "as hardware implementation", it is read as intended result, and does not constitute a final result which is useful, tangible, and concrete (see MPEP 2100-12-17). "Hardware implementation" is an abstract idea, not the real implementation of hardware. Based a careful analysis of the claim language, the second processor configured as hardware implementation to execute a portion or entirely of the same instruction set that the first processor executes (see claim 1, lines 6-9). However, it is an intended operation of the second processor to execute either the portion or entirely of the instruction which the first processor executes, and no real execution has been occurred.

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Similarly the feature of first processor is configured to execute the entire instruction set corresponding to the processes (e.g. claim 1, lines 4-6) is an intended operation, and present no substantial practical application. Although the second processor executes the specific process whereas the second processor executes the other processes (e.g. see last portion of claim 1), the practical application of executing the specific process and other processes is not clear. Therefore, no substantial practical application can be found. Claim 9 has similar language to claim 1, and can be analyzed, which will show no substantial practical application. Therefore, it will not be repeated herein.

5. As to claims 5,13, claims 5,13 reciting the parallel execution by the multithreading method and multiprocessing method. However, no detail of the threaded process method and multiprocessing method can be found in the claim. Therefore, it is an intended use of the method, and not a substantial practical application.

Furthermore, the language "capable" is not a positive recitation of the limitation.

6. As to claims 6,14, the second processor designed to execute efficiently is a design, and no substantial practical application can be found.

7. As to claims 7, 15, sharing the memory space is an abstract idea. No further details of sharing the memory space can be found.

8. As to claims 8,16, the feature of including a plurality of first processor and second processors is a general arrangement of the elements, and the useful, tangible and concrete final result can be found.

9. Claims 1-16 are allowable over the art of record, upon pending condition of "101" set forth above, for reciting the detailed combined features of, for example, first processor having single program counter, the second processor having plurality of counters for executing processes simultaneously, and the series of instructions by the first processor separate and independent from the series of instructions executed by the second processor. Helenius showed processors corresponding to the variety of processes (Col. 2, lines 30-45). Hoff disclosed separate and independent processes (see program processed by p1 and program processed by p2 in fig.1). However, neither Helenius nor Hoff disclosed the first processor including a single program counter and the second processor including plurality of program counters, nor the combined features as set forth in claims 1 and 9.

10. As to claims 2-4, 10-12, claims 2-4, 10-12 present practical application, such as the allocation of the process initially and interrupting the first processor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 571 272 4172.

The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan



DANIEL H. PAN
PRIMARY EXAMINER
GROUP